SINGLE BENCH (4) (1)

CF 102

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

W.P.(C) No. 155 Of 2007.

PETITIONERS PLAINTIFFS :- 1. Nandlal Nathani, aged 46 years, son of Asardar Nathani, resident of Kasturbanagar, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh),

2. Rajkumar Railwani, aged 29 years, son of Arjun Das Railwani, resident of Nehrunagar, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh).

P.R. No. 626/07 Presented by Shri 32 Rupees dated 19/1/07

VERSUS

RESPONDENTS DEFENDANTS :- 1. Vinod Kumar, aged 38 years, son of Tekchand,

2. Rakesh Kumar, aged 33 years, son of Tekchand,

3. Kishun Bai alias Bisun Bai, aged 51 years, daughter of Tekchand,

4. Prabhabai, aged 34 years, wife of Shobhamani Upadhayay, resident of Infront of Kalika Nagar Silver Bal School, Tifra, Tahsil and District Bilaspur (Chhattisgarh),

5. Smt. Kejabai, aged about 76 years, widow of Tekchand,

Respondent no. 1 to 3 and 5 resident of Chakarbhata Camp, Tahsil Bilha, District Bilaspur (Chhattisgarh),

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Oath Commissioner A. PATRIKAR BILASPUR (C.G.) Bilaspur Tahsil

(5) (2)

6. Laxminarayan Dubey, aged 50 years, son of Mukhidas Dubey, resident of Village Bodri, Mohalla Bhatapara, Tahsil Bilha, District Bilaspur (Chhattisgarh),
7. State of Chhattisgarh, Through Collector, Bilaspur (Chhattisgarh). Tahsil and District Durg (C.G.),

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-78

(36)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WPC). No. 155 /2007 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6-2-2007

Shri Pankaj Agrawal, Advocate for the petitioners.

Heard.

This petition is directed against the order of annexure P-5 passed by the 3rd Additional District Judge, Bilaspur in Civil Suit No. 1-A/2006, whereby application of the defendants for amendment in the written statement has been allowed.

Learned counsel for the petitioners submits that the application for amendment was not supported by an affidavit of defendants, even then the application has been allowed, contrary to law laid down by the Supreme Court in the matter of ***Salem Advocate Bar Association –v- Union of India*** reported in ***(2005) 6 scc 344***.

I have heard learned counsel for the petitioners. I have gone through the judgment cited by the petitioners as also the impugned order whereby the application for amendment has been allowed and this Court is of considered opinion that there is no illegality in the impugned order occasioning grave injustice or failure of justice to the parties, which calls for interference by this Court in the exercise of jurisdiction vested under Article 227 of the Constitution of India. The petition is liable to be dismissed at the admission stage itself and is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge

P.T.O.